



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, OCTOBER 13, 2004

10:00 a.m.
City Council Chambers
Room 205
City Hall

801 North First Street
San Jose, California

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Plan Implementation Division
Joseph Horwedel, Deputy Director**

**Stephen M. Haase, AICP
Director Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE), 998-5299 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **October 13, 2004**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Joe Babiasz (joe.babiasz@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [H04-029](#). Site Development Permit to construct a 3,870 square foot , 70 foot tall tower structure to be used for testing various tools designed for servicing General Electric boiling water reactors. The project proposal is on a 5.20 gross acre site in the HI Heavy Industrial Zoning District, located at the on the east side of Little Orchard Street, opposite Cimino Street (1990 Little Orchard Street) (General Electric Company, Owner). Council District 7. SNI: None. CEQA: Exempt.
- b. [H04-032](#). Site Development Permit request to allow a 1,330-square foot addition to an existing duplex on a 0.20 gross acre site in the R-2 Two-Family Residence Zoning District, located on the west side of Eastside Drive approximately 540 feet southwesterly of McKee Road (269 EASTSIDE DR) (Hua Dan, Owner). Council District 5. SNI: None. CEQA: Exempt.
- c. [H04-030](#). Site Development Permit to convert a 180 square foot garage into an enclosed living area for an existing duplex and to create an outdoor parking area within the side setback area. The proposed project is located on a 0.18 gross acre site in the R-2 Residence Zoning District, located at the southwest corner of Olga Drive and Desert Isle Drive (4110 Olga Drive) (Kasparian Ani S Et Al, Owner). Council District 1. SNI: Blackford. CEQA: Exempt.

- d. [PT04-076](#). Planned Tentative Map Permit to consolidate six parcels into one lot for multi-family attached residential uses on 2.09 gross acre site in the A(PD) Planned Development Zoning District, located at the northeast corner of South 5th and Keyes Streets (Aof/Pacific Affordable Housing, Owner; Martha Putnam/Core Development, Developer). Council District 3. SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration.
- e. [SF04-034](#). Single Family House Permit for a 547 square-foot 1st and 2nd floor addition to an existing 2,558 square-foot house (0.52 FAR) on a 0.14 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 5078 Barron Park Drive (Syverson Dian V And Marschelle, Owner). Council District 10. SNI: None. CEQA: Exempt.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. [PDA98-066-05](#). Planned Development Permit Amendment to construct a 20,754 square foot building for retail use with operation after midnight. This proposal would also allow a pharmacy drive-through use. The project proposal is located on a 1.1 gross acre site in the A(PD) Planned Development Zoning District, located at/on the north corner of Altamara Avenue and Ruby Avenue (4095 EVERGREEN VILLAGE SQ) (Shapell Industries Inc, Owner). Council District 8. SNI: None. CEQA: Re-Use of Evergreen Specific Plan EIR Resolution No. 63179.
- b. [SP04-051](#). Special Use Permit to allow warehouse/wholesale uses within an existing 5,400 sq.ft. Industrial/Office building on a 3.69 gross acre site in the IP Industrial Park Zoning District, located on the east side of Rincon Circle approximately 510 feet southerly of Montague Expressway (970 RINCON CL). Council District 4. SNI: None. CEQA: Exempt.
- c. [H04-016](#). Site Development Permit request to constuct site improvements including new fencing and landscaping on a 2.55 gross acre site currently developed with three (3) industrial buildings in the HI Heavy Industrial Zoning District, located on the northwest corner of Old Bayshore Highway and Charles Street (1300 OLD BAYSHORE HY/Maxim 1 Props, Owner). Council District 4. SNI: None. CEQA: Incomplete.
- d. [SP04-041](#). Special Use Permit to allow conversion of an existing single-family residence to a public eating establishment on a 0.14 gross acre site (Wright/Bailey Residence, HL01-137) in the DC Downtown Primary Commercial Zoning District, located on the east side of South 3rd Street, approximately 150 feet southerly of East San Carlos Street (312 S 3RD ST) (Masoud Shahidi, Owner). Council District 3. SNI: University. CEQA: Exempt.

- e. [PD04-056](#). Planned Development Permit to allow the installation of (3) three stand-by/backup generators and associated equipment enclosure at an existing hospital site in the A (PD) Planned Development Zoning District, located approximately 75 feet westerly of the intersection of Liska Lane and International Circle (250 HOSPITAL PY) (Kaiser Foundation Hospitals, Owner). Council District 2. SNI: None. CEQA: Exempt.
- f. [PDA87-091-01](#). Planned Development Permit Amendment to amend condition of the previously approved permit PD87-071. The current legal hours of operation are 6:00 a.m. to 12:00 midnight. This permit is to allow the operation of business between the hours of 5:30 a.m. to 12:00 midnight for an existing fitness/community center (YMCA) on a 2.93 gross acre site in the A(PD) Planned Development Zoning District, located at/on the southeast corner of Quito Road and McCoy Road (2560 QUITO RD) (YMCA Santa Clara Valley, Owner). Council District 1. SNI: None. CEQA: Exempt. Continued from 9/8/04 and 9/22/04.
- g. [SP04-050](#). Special Use Permit to replace a detached garage with 744 square foot accessory structure for garage and workshop uses at an existing single-family residence on a 0.17 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the northeast corner of Roy Avenue and Radio Avenue (1149 ROY AV) (Cowan Tyson G 2 Et Al, Owner). Council District 6. SNI: None. CEQA: Exempt.
- h. [SP04-045](#). Special Use Permit to construct a 406 square foot addition (workshop) to an existing detached 667 square foot garage, resulting in a total of 1,073 square feet, to an existing single family residence on a 0.42 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the north side of Pine Avenue, 700 feet westerly of Lincoln Avenue (1153 PINE AV) (King George E And Sue L Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt.
- i. [PD04-060](#). Planned Development Permit to allow office use of an existing 4,148 square foot commercial building on a 0.408 gross acre site in the A(PD) Planned Development Zoning District, located at/on the northwest corner of Willow Street and Bird Avenue (805 WILLOW ST) (San Jose City Of, Owner). Council District 6. SNI: None. CEQA: Negative Declaration.
- j. The projects being considered are located at/on westerly side of Meridian Avenue, between Hillsdale Avenue and Foxworthy and Willow Creek Drive (2825 MERIDIAN AV), in the A(PD) Planned Development Zoning District (Hacienda Gardens, LLC Mark Tersini, Owner/Developer). Council District 9. SNI: None. CEQA: Re use of Negative Declaration.
- 1. [PD03-038](#). Planned Development Permit to allow 299 multi-family attached residences, approximately 168,184 square feet of commercial uses, and to allow an existing nightclub (Cardinal) and 24-hour uses (Cardinal, Rite-Aid and Albertson's) on a 20.86 gross acre site.

2. **PT03-068**. Planned Tentative Map Permit to subdivide/reconfigure 9 parcels into 25 lots for residential and commercial uses on a 20.86 gross acre site.
- k. **PD03-062**. Planned Development Permit to construct 445 attached multi-family residences on a 7.6 gross acre site (North Park) in the A(PD) Planned Development Zoning District, located at/on the west side of Zanker Road between Tasman Road and River Oaks Parkway (3491 ZANKER RD) (The Irvine Company Apartment Communities Mark Kelly, The Irvine Company, A Delaware Corporation Mark Kelly, Owner). Council District 4. SNI: None. CEQA: Use of a Master EIR.

This concludes the Planning Director's Hearing for October 13, 2004. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:
<http://www.sanjoseca.gov/planning/hearings/index.htm>
PUBLIC INFORMATION COUNTER
(408) 277-4576 CITY OF SAN JOSE

**DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT
PLANNING DIRECTOR'S HEARING**

Synopsis of Staff Recommendations

September 29, 2004

PUBLIC HEARINGS

1. DEFERRALS

2. CONSENT CALENDAR

- | | | |
|----|--------------|----------|
| a. | TR04-098 | Approved |
| b. | TR04-091 | Approved |
| c. | TR04-075 | Approved |
| d. | HP03-004 | Approved |
| e. | PTE02-006-01 | Approved |
| f. | HA00-049-02 | Approved |

3. PUBLIC HEARINGS

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| a. | SP04-020 | Approved |
| b. | PD04-044 | Deferred to 10/20/04 |
| c. | PT03-096 | Approved |
| d1. | PD04-057 | Approved |
| d2. | PT04-082 | Approved |
| e. | SP03-036 | Denied |